

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

v.

RAYMOND AIGBEKAEN

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Case No: 1:21-cv-02890-JKB 00462
Civil No _____

EMERGENCY RULE 41(g) MOTION FOR RETURN
OF PROPERTY IN LIGHT OF U.S V. PRATT AND
FOR THE APPOINTMENT OF A SPECIAL MASTER

COMES Now, defendant, Raymond Aigbekaen and moves this Court for an order compelling the government to return all electronic devices and bitstream copies from those devices all of which were seized illegally. The defendant submits that the devices were seized without a warrant and as the Fourth Circuit concluded, without probable cause or reasonable suspicion, the defendant has possessory interests in these items and the continued deprivation denies him an opportunity to have his family fish out exculpatory evidence which the government is hiding from the defendant in violation of BRADY V. MARYLAND. The defendant is being denied access to the discovery in this case.

Under Rule 41(g) a person aggrieved by an UNLAWFUL seizure or deprivation of property, can move for the return of property that was unlawfully seized. In U.S V. Pratt, the Fourth Circuit ruled that a seizure of property (electronic devices) for over 21 days violated the fourth amendment. The Court relied on U.S V. Place, in which a traveller's luggage was seized for 90 minutes. Both cases are similar and the defendants constitutional rights were also violated here and thus he moves for a swift return of property.

APPOINTMENT OF SPECIAL MASTER

The USAO had engaged in a pattern of misconduct in this

case by possessing, retaining and possibly using recordings of attorney-client communication. The phone calls from the Chesapeake Detention facility were retained by the U.S. Attorney's office even though these calls were covered by the attorney-client privilege. The defendant did not waive this privilege at any point and the defendant seeks the appointment of a special master to investigate this misconduct as well as reports that the government had video and recording devices in the attorney visiting room.

Infusion into privileged communication could justify a remedy without a showing of prejudice. The defendant is asking that all of these illegally obtained evidence be returned. Intentionally violating a "duty to preserve evidence surrounding its practice of requesting and obtaining audio and video recording.

PRAYER FOR RELIEF

Defendant moves this court for an order compelling the govt to return all electronic devices seized and the accompanying bit stream copies of all the devices seized illegally under U.S v. PRATT (4th Circuit, 2019).

The defendant is also requesting the appointment of a special master to investigate the USAO's illegal practice of requesting and obtaining calls between the defendant and his attorney that were covered under attorney client privilege.

Respectfully Submitted:

Raymond A. GBEKAEN

11/4/2021

MOTION FOR INFORMAL PAUPERIS

The defendant moves the court for a waiver of the prepayment of fees due to his status as an indigent pauper. This court has already reviewed his financial record and granted status as in-formis pauperis.

Respectfully Requested:

Signature of attorney

Raymond Aigbekean

11/04/2021